



County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

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Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

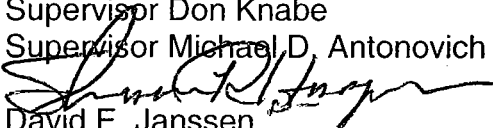
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Second District

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Third District

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Fourth District

MICHAEL D. ANTONOVICH
Fifth District

September 5, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich
From: 
David E. Janssen
Chief Administrative Officer

FEDERAL LEGISLATIVE UPDATE

Federal Fiscal Year 2004 State Criminal Alien Assistance Program Appropriations

Washington advocates report that, on September 4, 2003, the Senate Appropriations Committee approved a Federal Fiscal Year (FFY) 2004 Commerce-Justice-State (CJS) appropriations bill which includes \$250 million for the State Criminal Alien Assistance Program (SCAAP). In comparison, the House-passed FFY 2004 CJS appropriations bill (H.R. 2799) includes \$400 million for SCAAP, which was funded at \$250 million in FFY 2003 and \$565 million in FFY 2002.

The Senate historically has provided far less funding for SCAAP than the House. This is because seven states, including California, receive over 80% of total SCAAP funding, and the chairs and ranking minority members of the Senate Appropriations Committee and Senate CJS Appropriations Subcommittee are from states which receive little SCAAP funding. The Senate did not include any SCAAP funding in its FFY 2003 CJS appropriations bill. Considering that the President supports the elimination of SCAAP and that the overall FFY 2004 CJS funding allocation is \$900 million less in the Senate than in the House, the Committee's action to include \$250 million for SCAAP was far more than had been expected.

As in past years, the County's Washington advocates will work with the California Congressional delegation, the State of California, and representatives of other affected states and counties to seek the highest possible funding level for SCAAP in the Conference Committee on the FFY 2004 CSS appropriations bill.

FFY 2003 SCAAP Payments

The U.S. Department of Justice's (DOJ) SCAAP website indicates that FFY 2003 SCAAP payments have been determined and that Los Angeles County will receive a SCAAP payment of \$11,452,278, which is 66.36% below its FFY 2002 payment of \$34,040,599. In comparison, nationally, SCAAP payments fell from a total of \$545,700,000 in FFY 2002 to \$239,999,996 (56.02% decrease), and the State of California's SCAAP payment fell from \$143,000,999 in FFY 2002 to \$95,304,541 (53.72% decrease). SCAAP payments to other California counties fell from \$43,199,448 to \$17,671,253 in FFY 2003, which is a 59.09% decrease.

After funds are withheld for Federal SCAAP administrative costs, all remaining SCAAP funds are used to reimburse state and local governments for their allowable undocumented criminal alien incarceration costs on a pro rata basis. In FFY 2003, the County will receive 4.77% of total SCAAP payments compared to 6.24% in FFY 2002 because our percentage share of the nation's total allowable costs dropped.

We believe that one reason why the County's percentage share of total allowable costs dropped is that DOJ implemented a new policy providing that only the costs of incarcerating aliens convicted of one felony or more than one misdemeanor are reimbursable. In the past, DOJ had allowed applicants to include the costs of incarcerating aliens who had been charged, but not yet convicted of a felony or more than one misdemeanor even though the statute limits allowable costs to previously convicted persons. This policy change, in effect, reduces allowable costs for counties, but not state governments. All state prisoners have been convicted of felonies, but many county jail inmates are held pending trial and never were convicted.

As previously reported to your Board, the County supports H.R. 2435, introduced by Representative Linda Sanchez in June 2003, which would amend current law to make the costs of incarcerating charged, but not convicted, undocumented criminal aliens eligible for SCAAP reimbursement. The bill was referred to the House Judiciary Committee, which has not taken any action on it.

We will continue to keep you advised of any new developments.

DEJ:GK
MAL:TJ:MT:lm

c: Executive Officer, Board of Supervisors
 County Counsel
 All Department Heads
 Legislative Strategist